

109TH CONGRESS
1ST SESSION

H. R. 1064

To remove the authority of the Ninth Circuit Court of Appeals to sit en banc with fewer than all circuit judges in regular active service.

IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 2005

Mr. SIMPSON introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To remove the authority of the Ninth Circuit Court of Appeals to sit en banc with fewer than all circuit judges in regular active service.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. EN BANC PROCEEDINGS FOR NINTH CIRCUIT**
4 **COURT OF APPEALS.**

5 Section 6 of the Act entitled “An Act to provide for
6 the appointment of additional district and circuit judges,
7 and for other purposes.”, approved October 20, 1978
8 (Public Law 95–486; 28 U.S.C. 41 note), is amended by
9 striking “may perform its en banc function” and inserting

- 1 “may, except in the case of the Court of Appeals for the
- 2 Ninth Circuit, perform its en banc function”.

